

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

October 18, 2017

The Honorable Mac Thornberry  
Chairman  
House Committee on Armed Services  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
House Committee on Armed Services  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable John McCain  
Chairman  
Senate Committee on Armed Services  
228 Russell Senate Office Building  
Washington, DC 20510

The Honorable Jack Reed  
Ranking Member  
Senate Committee on Armed Services  
228 Russell Senate Office Building  
Washington, DC 20510

Dear Chairmen McCain and Thornberry and Ranking Members Reed and Smith:

As you conference the National Defense Authorization Act for Fiscal Year 2018, I urge you to retain intact that language of Section 1062(a) of the House bill, which, consistent with existing law, exempts the Northern Mariana Islands from the annual, national limit on H visas. Loss of this exemption would severely limit construction activities tied to economic development in my district and could impede construction of the Air Force divert airfield planned for the island of Tinian.

The House language reads, in relevant part:

“An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)).” Emphasis added.

The comparable section of the Senate NDAA, Section 1264, omits the crucial words “or to the Commonwealth.”

The House language is consistent with that proposed by the Administration for this year's NDAA. Attached.

Furthermore, the recently enacted Public Law 115-53, which in August passed both the House and Senate without dissent, is premised on the continuation of the H visa exemption for the Northern Marianas. Repeal of that exemption, as the Senate NDAA would do, would force a competition for foreign worker visas between companies



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engaged in temporary construction projects and other businesses that regularly rely on foreign workers in the Marianas. Separating that competing demand, as Public Law 115-53 does, is the primary purpose of the law. The H visa exemption was an original component of the overall policy of transition to federal management of immigration in the Northern Marianas, enacted in U.S. Public Law 110-229 and was subsequently extended through 2019 by U.S. Public Law 113-235. Reversal of this exemption policy in the context of the NDAA would contravene the intent of all of these previous statutory actions over the last ten years.

I cannot overstate the importance of the H visa cap exemption to the Northern Marianas, which is struggling to maintain an adequate workforce during a period of strong, tourism-fueled economic growth, and the economic damage that would result from repeal of this exemption. I respectfully request that the Senate recede to the House in this respect and that the words "or to the Commonwealth" be retained in the conferenced National Defense Authorization Act for Fiscal Year 2018.

Thank you for your consideration. Please contact Mr. Robert Schwalbach of my staff, [bob.schwalbach@mail.house.gov](mailto:bob.schwalbach@mail.house.gov), with any questions regarding this request.

Sincerely,



GREGORIO KILILI CAMACHO SABLAN  
Member of Congress

cc: The Honorable Robert W. Goodlatte  
The Honorable John Conyers, Jr.

enc: as noted



## **H2B Provision – OMB Cleared**

### **SEC. 2805. WORKFORCE ISSUES FOR RELOCATION OF MARINES TO GUAM.**

(a) AMENDMENTS TO THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Subsection 2824(c)(6)(D) of the Military Authorization Construction Act for Fiscal Year 2009 (division B of Public Law 110-417; 10 U.S.C. 2687 note) is amended—

(1) by inserting “and the Secretary of Veterans Affairs” after “the Secretary of Labor” each place it appears; and

(2) in the last sentence, by striking “determines” and inserting “determine”.

(b) AMENDMENT TO JOINT RESOLUTION APPROVING THE COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 6(b) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America’, and for other purposes”, approved March 24, 1976 (48 U.S.C. 1806(b)) is amended to read as follows:

“(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—

“(1) IN GENERAL.—An alien, if otherwise qualified, may, before December 31, 2023, seek admission to Guam or to the Commonwealth as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). An alien, if otherwise qualified, may, before December 31, 2023, be admitted under section 101(a)(15)(H)(ii)(b) of

such Act for a period of up to 3 years to perform services or labor on Guam pursuant to any agreement entered into by a prime contractor or subcontractor calling for services or labor required for performance of the contract or subcontract in direct support of all military-funded construction, repairs, renovation, and facilities services necessary to enable the Marine Corps realignment in the Pacific, notwithstanding the requirement of such section that the service or labor be temporary. This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth.

“(2) APPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements of section 2824(c) of the Military Construction Act for Fiscal Year 2009 (division B of Public Law 110-417; 10 U.S.C. note) shall apply to this subsection.”.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date that is 120 days after the date of enactment of this Act.